

LAS VEGAS POLICE DEPARTMENT	OPERATIONS
<b>SUBJECT:</b> <i>Patrol</i>	<b>NUMBER:</b> OPR.1
<b>EFFECTIVE DATE:</b> <i>9 September 2010</i>	<b>REVIEW DATE:</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b> <i>Chief of Police Gary Gold</i>
<b>NMMLEPSC STANDARDS:</b> <i>OPR. 01.01- OPR. 01.07</i> <i>OPR.01.09 – OPR.01.10</i>	<b>NMSA:</b>

**I. PURPOSE:**

The purpose of this policy is to ensure the efficient and effective management of the Patrol function by providing administrative guidance that identifies the responsibilities and processes with in the uniform and all other components of the department.

**II. POLICY:**

It is the policy of the Las Vegas Police Department to manage the function of Patrol in an effective and efficient manner by coordinating the efforts of uniform and other organizational components as provided in this policy.

**III. APPLICABILITY:**

This policy is applicable to all commissioned employees of the Las Vegas Police Department.

**IV. REFERENCES:**

- A. NMMLEPSC OPR 01.01-01.07, OPR 01.09-01.10
- B. New Mexico Law Enforcement Safe Pursuit Act
- C. Betancourt vs. Las Cruces

**V. DEFINITIONS:**

- A. Pursuit: An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed but willfully failing to yield to the officer's signal to stop.

B. **Violent Felony:** A felony that involves an actual or threatened attack that the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g., aggravated assault, aggravated battery, rape, armed robbery, murder).

C. **Roadblock:** Any method, restricting, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a motor vehicle.

D. **Primary Pursuing Unit:** The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

E. **Racial profiling:** The detention, interdiction, or other disparate treatment of any person on the sole basis of their racial or ethnic status or characteristics.

F. **Reasonable suspicion:** Absent probable cause for arrest, an officer must have a specific and articulable basis in fact for suspecting criminal activity has occurred or is about to take place. The intrusion must be reasonable when viewed objectively in light of the circumstances, and the scope and character of the intrusion must be reasonably related to its purpose.

**VI. PROCEDURE:**

**I. Patrol Vehicles**

1. The Department's vehicles are essential to an effective police operation. Carefully selected and maintained vehicles have a positive effect on police operations in general and individual officer performance in particular. Emphasis is placed on preventative maintenance, prompt mechanical repair, application of safety standards and obtaining maximum utilization of the available fleet.
2. Each patrol unit is conspicuously marked and equipped with items to assist in routine daily occurrences. This may include, but not be limited to:
  - a. first-aid kit, CPR mask, blanket
  - b. roll-a-tape
  - c. hand tools
  - d. fire extinguisher
  - e. radar
  - f. video camera
  - g. still camera
  - h. evidence collection materials, fingerprint kits
  - i. siren
  - j. emergency lights
  - k. police radio
  - l. traffic vest

m. flashlight

## **II. Unmarked Units**

1. Unmarked units may be used for traffic enforcement in the event that unusual circumstances arise. All unmarked vehicles which could be used for traffic enforcement will be equipped with siren, radio, and emergency lights.

## **III. Special Purpose Vehicles**

1. A number of vehicles are owned and operated by the Las Vegas Police Department, which is designated for special purposes.
  - a. DWI Enforcement Trailer
    1. The Las Vegas Police Department utilizes a one-axle trailer for DWI Enforcement.
    2. The use of this trailer is primarily intended for the purpose of DWI Enforcement in the form of Sobriety Checkpoints.
    3. The trailer is equipped with at least the following:
      - a. sets of electrical lights;
      - b. gasoline generator;
      - c. a kerosene heater;
      - d. electric extension cords;
      - e. gasoline can;
      - f. kerosene can;
      - g. various traffic signs;
      - h. traffic cones
    1. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure sufficient gasoline and kerosene is available to conduct the checkpoint.
    2. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure the readiness of any equipment for the next checkpoint.
    3. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure that all items are replaced in the trailer and it is parked in the designated position in the parking lot.
    4. No special training is required for its use.
  2. Any special purpose vehicle which is borrowed from an outside agency the operators of the vehicle will possess valid training and appropriate license for that vehicle.

- a. All vehicles which are borrowed from an outside agency must be approved 30 days in advance if possible and a list of information must be attached to the request.
  1. type of vehicle
  2. cost of vehicle
  3. length of time vehicle will be used
  4. purpose
  5. All information will be provided to the City Procurement for insurance needs.
- b. It will be the responsibility of the operator to ensure that proper maintenance is performed.
- c. Only a Commander is authorized to sign for vehicles from another agency and only with prior approval of the Chief of Police.

#### **IV. Operation of Police Vehicles**

1. When leaving a department vehicle parked unattended, employees shall lock the ignition and doors and retain the key on their person unless impossible or impractical because of duty requirements. The security of police equipment and confidential material in vehicles will be the responsibility of each individual officer.
2. Regardless of weather conditions, officers shall roll up all windows in police units when left unattended.
3. An employee shall secure his/her police vehicle is parked and while the engine is running. The only exceptions will be if the employee has to exit the vehicle in an emergency situation or on normal traffic violations.
4. In the event an officer has to move equipment from one vehicle to another, it is his/her responsibility to replace the equipment or notify his/her supervisor of the change and reason.
5. Only authorized personnel are permitted to operate police vehicles. Authorized personnel consist of police department employees and maintenance personnel while making necessary tests and repairs.

#### **V. Use of Seatbelts**

1. While operating a police vehicle, members of this department will use the installed seat belts. Circumstances may, however, occur in which officer safety issues may outweigh the use of the seat belt (i.e. removing the seat belt just prior to arriving at the scene of an emergency call).

## **VI. Inspections**

1. Officers will be responsible for inspecting the interior of their assigned patrol units for contraband and weapons during the course of their shift. The vehicle will be inspected as follows:
  2. Immediately after transporting person(s) or prisoner(s);
  3. Any contraband or weapon(s) found during the inspection prior to starting the shift will be reported to the inspecting officer's supervisor as soon as possible.
  4. Shift Supervisors will conduct inspections every month of vehicles utilized by their subordinates to insure the above procedures are being adhered to.
  5. Any officer using another officer's assigned vehicle should return the vehicle back to the assigned officer in a well maintained condition, full tank of fuel and all assigned equipment remains in place.

## **VII. Maintenance**

1. Police Department employees assigned a police unit will be responsible for the following:
  - a. Cleanliness of the interior and exterior of the vehicle.
  - b. Regular maintenance is maintained on his/her assigned department vehicle.
2. Officers will be responsible for insuring the overall appearance of their assigned vehicle and will insure this by arranging such washing or other cleaning as is necessary.
3. Members of this department will be restricted from:
  - a. Making anything but minor authorized adjustments on any vehicle;
  - b. Altering the body, general design or appearance of any vehicle;
  - c. Any equipment (except issued) or addition shall require written permission from the Chief of Police;
  - d. Making any repairs or having any repairs made to the vehicle other than at of the current vendor awardment, unless emergency circumstances exist;
  - e. Using fuel, oil, lubricant, or other liquid additives in the vehicles other than those issued at, or authorized by, the department.

4. Willful acts or negligence on the part of employees in the care or operation of vehicles or failure to follow the established policies governing the use of vehicles will be cause for disciplinary action.
5. Problems with the operation or function of the vehicle or vehicle equipment should be reported to the officer's immediate supervisor.
  - a. When a department vehicle is in need of service or repair, the requesting employee will complete a work order with detailed information describing what deficiency was observed or what service is required and three estimates for repairs if necessary.
6. The Vehicle Maintenance history log will be kept by the shift supervisor. If any questions arise as to the maintenance history of any fleet vehicle, computerized records can be retrieved through the Captain.

## **VIII. Patrol Shift Assignments**

1. The Las Vegas Police Department will provide continuous patrol coverage in the community.
2. Shift duration shall be the discretion of the Chief of Police. Shift rotation will be every 3 months under normal circumstances, however is at the discretion of the Chief of Police.
3. Shift assignments are at the discretion of the Field Operations Commander.
4. Daily schedules are at the discretion of that particular shift's supervisor.
5. Shift supervisors will assign patrol officers to districts (patrol sectors). Officers shall remain in their assigned area unless authorized otherwise.

## **IX. Vehicle Assignments**

1. The Department assigns police vehicles to each commissioned police officer.
  - a. Increase the visibility of the police, thereby enhancing the Department's efforts to prevent crime and demonstrating the Department's ability to respond to the needs of the public.
  - b. Enhance the Department's ability to summon off-duty officers in cases of emergency and have them report directly to sites where needed.
  - c. Provide improved maintenance of vehicles by placing that responsibility on each individual officer.

## 2. Individual Vehicle Assignments

a. The Department has established a policy of assigning take home police vehicles to the following positions:

1. All officers will be assigned a take home unit based on the means of the Department. Probationary officers may be excluded when necessary.
2. The "Take Home" radius will be within 25 miles of the city limits
3. Officers can be assigned any vehicle in the fleet at the discretion of the Field Operations Commander.

## X. Use of Assigned Police Vehicles

### 1. On Duty Use

- a. Assigned police vehicle may be maintained at the assigned officer's primary residence. The vehicle should be parked in a location as to minimize the possibility of damage to the vehicle, yet provide maximum visibility to the public.
- b. Assigned police vehicles may be driven for any duty assignment. They may also be driven off duty to attend court, department sponsored training, department meetings or while conducting any legitimate department business, or during off duty usage as described below.
- c. In the event of a shortage of police vehicles, for on duty use, the supervisor has the discretion to obtain needed vehicles from officers who are off duty and in possession of an assigned police vehicle. The supervisor will attempt to make arrangements with the officer(s) prior to obtaining the vehicle.
- d. Spare keys shall be maintained in a key box by the Field Operations Commander.
- e. On duty officers, unless otherwise authorized, must wear the uniform required by that duty and have all required equipment available in the vehicle. This includes but is not limited to badge, body armor, cuffs, gun.
- f. Police vehicles will not be run idle unless the vehicle overhead lights are on or the vehicle is used for the K-9.

## 2. Off Duty Use

- a. Officers are allowed the off duty usage of assigned units while following the below listed parameters.
- b. Department vehicles can only be utilized for work and work related functions, such as court, training, maintenance/cleaning of the vehicle, and for physical training. Department vehicles shall not be used in off duty for personal business, i.e., errands, visiting others, etc.
- c. Off duty officers must be attired in functional clothing of good taste in the event they are required to perform the duties of a police officer. Off duty officers must possess a badge, commission card, department approved handgun and handcuffs. These items must be carried on the officer's person when exiting the vehicle to perform a police function. Off duty officers are encouraged to have departmental issued body armor and portable radio available in the vehicle.
- d. An off duty officer, operating a police vehicle, may be subject to the requirements of police service.
- e. Off duty officers may respond to the scene of a felony in progress when close enough to significantly enhance the department's ability to protect life and/or property, or when requested by a supervisor.
- f. Off duty officers may be confronted with other situations wherein police action is warranted however it is strongly preferred that an on-duty Officer be summoned to handle the situation. Off duty officers are encouraged to use the utmost discretion when dealing with these types of situations.

## XI. Crashes involving Police Vehicles

### 1. Duties of Employees

- a. Any member of the department who becomes involved in a collision while operating a police vehicle is responsible for making sure the following steps are completed (unless physically incapacitated; it then becomes the duty of the first officer to arrive on the scene).
  - b. Notify communications of the location of the collision;
  - c. Check all involved parties for injuries and request appropriate medical attention, if necessary.
  - d. Communications shall notify the on-duty supervisor and the City Safety Officer without delay.

- e. Make no statement or accusations concerning the cause of the collision or guilt of any part to anyone other than the on-duty Shift Supervisor(s) or the officer conducting the investigation.
- f. Make sure none of the vehicles involved are moved prior to the arrival of the investigating officer, unless public safety mandates they be moved.

2. Duties of Shift Supervisor
  - a. As soon as practical notify the Commander On-Call.
  - b. Insure that the City Safety Officer been notified of the collision.
  - c. Ensure that reports are completed in a timely and accurate manner.
  - d. Ensure that a memorandum is completed by the Officer(s) involved explaining the circumstances and forwarded to the Chief of Police through the chain of command by the end of that shift

3. Investigations
  - a. All motor vehicle crashes involving a Las Vegas Police Department vehicle will be investigated by a supervisor when possible.

4. Damaged Police Vehicles
  - a. Any police vehicle extensively damaged will be towed or driven to a location determined by the on-duty supervisor and stored at that location pending repairs.
  - b. Vehicles incurring minor damage will be parked at the Department and not be used except in an emergency, unless otherwise specified by a supervisor.
  - c. All procurement and repairs will be coordinated by the Field Operations Commander.

## **XII. Use of Personal Vehicles on Police Assignments**

1. Only upon written approval of the Chief of Police will a personal vehicle be used on a police assignment.
2. In such case where a personal vehicle is used without written approval, the department assumes no responsibility for the vehicle or contents within.
3. If written approval has been granted, and during the time of vehicle utilization in a police assignment, the owner of the vehicle must show proof of insurance.

4. In no case will the department take responsibility of reimbursement for personal items or valuables stolen from such vehicle.
5. This section covers only the use of police personnel's personal vehicles.

### **XIII. Valid New Mexico Drivers License**

1. All members of the Department who operate a Department vehicle shall have in their possession at all times a valid New Mexico Drivers License.
2. If a member has their driving privileges revoked or suspended, they are responsible for notifying their immediate supervisor without delay. The supervisor shall then notify their respective Commander.

### **XIV. Response codes**

1. Calls for service are classified as Code 1 or 2 depending on circumstances. The designation of "Code" categories are authorized by the dispatcher, a field supervisor, or the patrol officer, subject to the considerations discussed below. The codes are defined as follows:
  - a. Code 1: responses are authorized for any emergency where the preservation of life is a consideration.
    1. Primary and support units responding to Code 1 calls shall proceed rapidly and safely to the location of the emergency by the most direct means, using all applicable emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.
    - b. Code 2: responses are authorized for any other situation regardless of apparent urgency where the preservation of life is not a consideration.
      1. Units responding to Code 2 calls shall respond to the location without delay by the most direct route, complying with all traffic regulations and shall not use emergency warning devices.
      - c. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes. Field supervisors shall closely monitor and may respond to all Code 1 calls.

## **XV. Dispatch Responsibility**

1. The Communications Specialist shall assign Code 1 classification to those calls for police service which indicate a felony in progress or where the suspect is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Examples of Code 1 calls (not all inclusive) include:
  - a. an officer who needs urgent help;
  - b. a burglary in progress;
  - c. a robbery in progress;
  - d. a person with deadly weapon;
  - e. a serious-injury accident;
  - f. a riot or large disturbance with fighting or injuries or damages occurring.
2. Upon receipt of a request for law enforcement service which necessitates the dispatch of an officer, the Communications Specialist receiving the request shall determine sufficient facts to set the priority of the response.
  - a. The Communications Specialist shall obtain information about:
    1. whether the perpetrator is still on the scene, or armed;
    2. condition of the victim;
    3. a hostage situation;
    4. the direction and method of travel of any fleeing suspects; and
    5. a description of any fleeing vehicles.
  - b. When sufficient information concerning a request for service has been obtained, the Communications Specialist shall assign the complaint a response code. Any doubt as to the character of the request shall be resolved in the presumption that an emergency exists and Code 1 assigned to the call.

## **XVI. Officer's response to a call:**

1. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 1 can be slowed or cancelled.
2. All units responding to robbery and/or burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights.
  - a. Officers are reminded that upon deactivation of a siren or flashing lights, their response ceases to be an emergency one and they must comply with all posted speeds and traffic control devices.

3. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.
4. Officer-initiated response.
  - a. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary police service, the department authorizes an emergency response.

Examples include:

1. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).
2. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.
3. Responding to a non-Code 1 situation, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 1.
4. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate police response.
5. In response to an officer's emergency request for assistance.
6. For pursuit, see section XVII
7. Use of emergency warning devices in non-emergencies:
  - a. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
  - b. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

## XVII. Pursuits

### 1. Policy

- a. All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations shall utilize both audible and visual (emergency lights) emergency warning equipment when engaged in a pursuit.
- b. All personnel operating departmental vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the Department of such importance that they justify the reckless disregard of the safety of innocent persons. Pursuit studies show that 30% end in crashes, 15% in injuries and 3% in death. Departmental personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

### 2. Procedures

#### a. Pursuit is justified only when:

1. The officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists and/or pedestrians. The officer must have knowledge of immediate threat to the safety of others that is ongoing and that existed prior to the high speed pursuit.
2. Has committed or is attempting to commit a violent felony;

#### b. Initiating/Primary Officer Responsibilities:

1. The responsibility for the decision to initiate hot pursuit rests with the individual officer. Officers shall only pursue person(s) on probable cause that the fleeing person(s) have committed a violent felony or the suspect presents a clear and immediate threat to the safety of the motorists and/or pedestrians. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. **Only marked vehicles with emergency equipment shall pursue.**
2. The officer initiating a pursuit shall, in all cases, notify the Communications Center as soon as reasonably possible that a pursuit is underway and provide the following information, if known:
  - a. Police unit identification;
  - b. Location, speed and direction of travel;
  - c. Vehicle description and license number;

- d. The specific reason for the pursuit, including known laws violated;
  - e. Number of occupants;
  - f. Traffic and weather conditions.
- 3. Failure to provide the above information may be cause for the patrol supervisor to order termination of the pursuit.
- 4. The initiating or primary unit shall be in field command and bears operational responsibilities for the pursuit unless relieved by a supervisor.
- 5. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the patrol supervisor.
- 6. The primary unit may maintain pursuit as long as it is safe to do so, or until directed to terminate the pursuit by a supervisor, or the suspect is stopped.
- 7. The decision to abandon pursuit may be the most prudent course of action. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A pursuit shall be terminated under any of the following circumstances:
  - a. If, in the opinion of the pursuing officer or the patrol supervisor there is a clear and unreasonable danger to the officer and other users of the roadway highway created by the pursuit that outweighs the necessity for immediate apprehension.
  - b. The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
  - c. The prevailing traffic, roadway and environmental conditions indicate the futility of continued hot pursuit.
  - d. The prevailing traffic, roadway and environmental conditions indicate the futility of continued hot pursuit.
  - e. The pursued vehicle's location is no longer known.
  - f. The termination of a pursuit does not prohibit the following of a vehicle at the posted speed limit or remaining in an area to reinitiate pursuit, if the opportunity and conditions permit.

**8. Communications Center Responsibilities**

- a. Receive and record all incoming information on the pursuit and the pursued vehicle.
- b. Immediately notify all on-duty supervisors when a pursuit is initiated. (Notify Commander On-Call as soon as feasible)
- c. Clear radio channel of any unnecessary traffic.
- d. Perform relevant record and motor vehicle checks.
- e. Control all radio communications during the pursuit.
- f. coordinate assistance under the direction of the patrol supervisor.
- g. continue to monitor the pursuit until it has been terminated.

**9. Supervisor Responsibilities:**

- a. The on-duty patrol supervisor shall monitor the pursuit and respond Code 2 to the location of the stopped suspect. **The supervisor may end the pursuit at any time that he or she feels circumstances warrant.**
- b. The on-duty supervisor shall monitor the pursuit by ensuring compliance with department policy, directing officers to join or abandon pursuit, or redesignating primary and support pursuing vehicles if necessary, approving or ordering pursuit tactics, and terminating the pursuit.
- c. No more than two police vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional police vehicles to pursue, the supervisor shall consider:
  1. the nature of the offense;
  2. the number of suspects;
  3. the number of officers currently participating as primary or support vehicles;
  4. any injuries or property damage already sustained as a result of the pursuit;
  5. any other clear, articulated facts that would justify the assignment of additional police vehicles.
- d. The supervisor shall critique the pursuit with all of the officers involved and direct participants to submit reports.

- e. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
- f. The supervisor may direct the use of tire-deflation devices, as appropriate (if available and the officer involved has been trained in the use of the device).

**10. Supporting officers' responsibilities:**

- a. Assistance will be coordinated by the Communications Center under the direction of the on-duty supervisor. The on-duty supervisor and primary unit will be advised of the identity and location of backup units who can assist.
- b. The active pursuit will normally involve not more than two unit:
  1. The primary unit
  2. One backup unit
- c. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. The primary officer must also alert other officers of the probable route of travel. By handling these communications responsibilities, the primary officer can focus attention on the pursuit driving.
- d. Tire-deflation devices may be deemed appropriate (if available) to stop a pursuit and may be set up by supporting officers. These devices shall be used only by officers trained in their use and only under the direct authorization of the on-duty supervisor.

**11. Tire deflation devices will be assigned and stored in the trunk of every supervisor's marked patrol car. The "stop stick" will be pre-loaded in the black nylon sleeve with the cord reel stored in the storage position.**

- a. Tire inflation devices will only be used on cars or trucks and are not to be used to stop motorcycles or all terrain vehicles.
- b. Tire deflation devices shall only be used in conjunction with a stationary roadblock.
- c. The decision to deploy the tire deflation devices during a pursuit will be made by the on-duty supervisor only after considering the following:
  1. The safety of the officers.
  2. The risk of physical injury to the occupants of the pursued vehicle.
  3. The protection of the citizens and their property.

- d. It is imperative that all officers involved in the pursuit are aware of the exact location of the deployed tire deflation device, so they can slow in time to allow removal of the device after the suspect vehicle has crossed it. Measures should be taken to divert other traffic from the area to prevent unnecessary damage to other vehicles.
- e. The officer who deploys the tire deflation device should remove it immediately after the suspect vehicle crosses it. The suspect vehicle will be slowing rapidly and the pursuing officers should be prepared to take evasive action to avoid contact with the suspect's vehicle.

**12. Rules of pursuits:**

- a. Officers shall not use their vehicles to ram, bump, or collide with a suspect vehicle, to force a vehicle off the road or in a ditch. Nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
- b. Boxing-in shall be performed **only** with the direct authorization of the on-duty supervisor and then **only** if the participating officers have been trained in the technique.
- c. Caravanning is prohibited.
- d. Officers shall not fire their weapons from a moving police vehicle. Department policy on the Use of Deadly Force shall be adhered to during the pursuit.
- e. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.
- f. There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer received specific permission from the on-duty supervisor.
  - a. No more than two police vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the supervisor in command of the situation. Other officers should be alert to the pursuit progress and location.
  - h. Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in hot pursuit only when the fleeing vehicle presents an immediate and direct threat to life or property. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.

- i. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Support police vehicles shall be dispatched in close proximity to offer assistance.
- j. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
- k. Officer shall not pursue suspects the wrong way on divided roadways unless specifically authorized by the on-duty supervisor.
- l. The use of a stationary roadblock shall only be authorized only by the Commander or the Chief of Police. In the absence of the Commander or the Chief of Police, the senior patrol supervisor must directly authorize this measure. Generally, a roadblock will be employed only as a last resort. The decision to erect a roadblock must consider:
  - 1. the safety of officers;
  - 2. the risk of physical injury to the occupants of the pursued vehicle;
  - 3. the protection of citizens and their property.
- m. Roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The roadway shall not be completely blocked unless the use of deadly force would be authorized. The officer in charge of the roadblock shall notify the Communications Specialist of its precise location. All participating officers must be aware of the roadblock and have acknowledged this awareness before it is constructed. Further, no personnel shall remain in blocked vehicles, and an avenue of escape shall be provided.
- n. Officers, when accompanied by civilian passengers, shall not pursue. If a civilian is in the police vehicle at the beginning of a pursuit, that officer shall turn the pursuit over to another officer, or deposit the civilian at an appropriate, safe location.
- o. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection, if circumstances and safety permit. The use of different siren sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.

- p. In case of pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the suspect but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel.
- q. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.
- r. Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

#### 13. Inter-jurisdictional Pursuits

- a. The Communications Center, with the approval of the patrol supervisor, will notify outside agencies if this Department is in pursuit in their jurisdiction.
- b. Officers shall not become involved in another agency's pursuit unless specifically authorized by the patrol supervisor or it is clearly demonstrated that a unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all departmental pursuit policies are in effect.

#### 14. Overtaking/Pursuit of Violators

- a. The responsibility for the decision to overtake rests with the individual officer. In arriving at this decision he/she must carefully consider all factors involved including the **seriousness of the offense, the possible consequences and most importantly, the safety of the general public.**
- b. In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and siren.
- c. During the course of enforcement activities, specific incidents may escalate from routine overtaking situations if the suspect attempts to evade apprehension. If this occurs, applicable pursuit policy and procedures apply.

#### 15. Crashes during pursuits

- a. Generally, if an officer is involved in a traffic crash during the course of a pursuit, the officer will terminate his/her part in the pursuit
- b. The on-duty supervisor will make the determination, as to whether the pursuit is terminated or continued with the back-up officer moving up to primary officer.

- c. The on-duty supervisor will insure that the crash involving the primary unit is investigated.

#### 16. Pursuits outside City limits

- a. No pursuits shall be continued outside the city limits unless authorized by the on-duty patrol supervisor and if approved, shall be conducted according to this order. The Communications Specialist shall notify the appropriate jurisdiction of the pursuit and request help.
- b. Once the pursuit has entered another jurisdiction, if officers from it enter the pursuit, department officers shall cease their emergency driving, turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
- c. If officers from another jurisdiction pursue a suspect into ours, department officers shall enter the pursuit **only** if the other agency specifically requests help **and** the pursuit is for a violent felony **and** the on-duty supervisor approves our participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.
- d. When the fleeing suspect is apprehended in another jurisdiction, the pursuing officer shall take the arrested person before a judicial officer of that jurisdiction. The officers shall then go before the local municipal, magistrate, or district judge to obtain a warrant and ensure that a teletype is sent via teletype to the apprehending jurisdiction as soon as possible, acting as a detainer.
- e. When a fleeing suspect from another jurisdiction is apprehended within the City of Las Vegas, the apprehending officer shall take the arrested person before the local municipal, magistrate or district judge (determination to be made by the on-duty supervisor). The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective jurisdiction.

#### 17. Terminating Pursuits

- a. This general order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
  - 1. In continuously evaluating the pursuit, the pursuing officers shall consider whether the suspect has been identified and can safely be apprehended at another time or under other circumstances, and the prevailing traffic, roadway, and environmental conditions. Officers shall also consider their

own mental and physical state and the mechanical condition of their pursuit vehicle.

2. Discontinuing a pursuit does not mean that the officer cannot follow the vehicle at the posted speed limit, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. Officers, when pursuing, shall resist the temptation to follow the suspect too closely and instead follow the violator and allow him or her to make the driving mistakes.

**b. Officers shall discontinue a pursuit when:**

1. the on-duty supervisor orders it; or
2. the pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving; or
3. the pursued vehicle has outdistanced the pursuing officer such that its location is not known; or
4. a person has been injured during the pursuit and no medical or police personnel are able to provide help; or
5. **The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.**
6. **Any on-duty officer that is or is not involved in the pursuit may terminate the pursuit for any public or officer safety reasons.**

**18. Follow-up Requirements**

- a. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit. The supervisor shall prepare a summary report which includes:
  1. the names of participating officers;
  2. a narrative description of where the pursuit began and under what circumstances, where it ended and under what circumstances, and the duration of the pursuit;
  3. a description of the tactics used to stop the suspect's vehicle and an evaluation of their effectiveness;

4. any observations on the behavior or actions of the fleeing driver that may support additional criminal charges;
5. a description of how the suspect was apprehended, and the force-measures employed;
6. a description of property damaged or an account of injuries sustained during the pursuit or death, or if the use of deadly force was initiated, all involved officers will submit applicable reports to the Chief of Police through the chain of command;

1. the offenses for which the suspect was charged; and
2. A review of any pursuit will be conducted by the Field Operations Division Commander as soon as possible. The review will be completed by analyzing all available information. The purpose of such review is to determine if the guidelines contained herein were adhered to and if any additional or supplemental training is needed. If issues are found they shall be addressed to the Chief of Police in memorandum form.

## **XVIII. Aggravated Fleeing a Law Enforcement Officer**

1. Aggravated fleeing a law enforcement officer consists of a person willfully and carelessly driving his vehicle in a manner that endangers the life of another person after being given a visual or audible signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a uniformed law enforcement officer in an appropriately marked law enforcement vehicle in pursuit in accordance with the provisions of the Law Enforcement Safe Pursuit Act.
2. Whoever commits aggravated fleeing a law enforcement officer is guilty of a fourth degree felony.

## **XIX. Traffic Enforcement**

1. Local government employees, including City of Las Vegas employees, are not exempt from traffic laws even when the employee is operating a city vehicle.
2. When an officer observes a traffic violation, the officer has the discretion to take one of these actions:
  - a. Issue a verbal or written warning.
  - b. Issue traffic or parking citation.
  - c. Make a custodial arrest.

3. These arrests normally should be limited to those which are required by law, necessary to protect the violator or the public from injury, or necessary to have a violator appear in court, or in cases of a violator's refusal to sign the citation.
4. A uniform traffic enforcement policy does not preclude the exercise of officer discretion. Discretion should be based on the seriousness of the violation and the action most likely to result in future compliance with the law.
5. Optional levels of enforcement may be utilized in incidents of:
  - a. Speed Violations.
  - b. Hazardous violations (dependent on degree) other than speed.
  - c. Public carrier/commercial vehicle violations.
  - d. Other non-hazardous violations.
  - e. Off-road vehicle violations.
  - f. Multiple violations.
  - g. Newly enacted laws and regulations.
  - h. Pedestrian and bicycle violations.
6. Uniform enforcement measures support the ultimate aim of traffic law enforcement which is to achieve voluntary compliance with traffic laws and regulations.
7. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters or reasonableness in conducting such activities
8. Driver's License Violations
  - a. Officers may use their discretion concerning the enforcement action on drivers who do not have a license in their possession, but the DMV computer indicates they have a valid license.
  - b. If a driver has a valid New Mexico driver's license in their possession, but the DMV computer indicates their New Mexico driving privileges have been suspended or revoked. The officer may issue a citation and set an appearance date. The person shall not be allowed to continue operating their vehicle.
  - c. If a driver has a valid out-of-state driver's license in their possession, but the DMV computer indicates their New Mexico driving privileges have been suspended or revoked, the officer can arrest them and complete the appropriate paperwork.
  - d. If the driver does not have a license in their possession, and the DMV computer indicates their license is suspended or revoked, the officer may arrest on that violation, and complete the appropriate paperwork.

- e. The above enforcement methods apply to traffic crash investigations as well as routine traffic stops.

#### **9. Equipment Violations**

- a. Officers should use their discretion when issuing citations for equipment violations.

#### **10. Open Containers**

- a. A traffic citation can be issued for the first offense. If a second or subsequent offense, the offender may be arrested.
- b. The person in possession of the alcohol will be cited. If a passenger is in possession, he/she will be cited for the violation and the narrative should indicate that the offender was a passenger.
- c. If the offender is under 18 years of age, he/she should be cited / charged with a criminal offense rather than a traffic citation.

#### **11. Warning of violation for Casual Sales**

- a. Pursuant to the New Mexico Traffic Code, no person or dealer can display for sale a motor vehicle at any location without the prior written permission of the land owner.
- b. Officers will issue and place a "Warning Notice" onto the vehicles which are found to be violating this section of the New Mexico Traffic Code. The "Warning Notice" will include the date and time the notice is given.

### **XX. Procedures for Communications**

1. When checking out with a vehicle the officer should relay the following information to dispatch in this order:
  - a. license plate number, state of origin of vehicle
  - b. description of vehicle
  - c. location of traffic stop

### **XXI. Officer Conduct of Traffic Stops**

1. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion or probable cause that they have committed, are committing, or are about to commit an infraction. Upon observation of a violation, officers will stop the vehicle in a manner and location that minimizes danger to the violator, the officer and the public.

2. The patrol vehicle should be parked safely behind the violator with emergency lights operating. Positioning of the vehicles should allow protection for the officer from traffic approaching from the rear.
3. During hours of darkness, the spotlight may be directed at the rear window of the violator vehicle. This is generally done to allow the officer a better view of what is happening inside the violator vehicle.
4. The department recognizes that with experience, officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/violator contacts. Given some better approach, the following is recommended, in the order specified below:
  - a. Give a greeting, such as "Good morning, ma'am," "Good evening, sir," etc. Identify yourself for example: "I am Officer \_\_\_\_\_ of the Las Vegas Police Department".
  - b. State the reason why the person is being stopped or detained. For example: "I stopped you because I saw your vehicle come through the stop sign at that last intersection without coming to a complete stop." (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension.)
  - c. It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say," often leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a difference excuse at trial. If you choose not to ask but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.
  - d. Politely ask for identification and any required documents. Ex: "May I please see your license, registration, and proof of insurance?"
  - e. After completing any necessary paperwork, inform the driver or pedestrian as to what action is being taken and what, if any, the person must do as a result, such as how to pay any fine involved, see the judge, etc.
  - f. Give an appropriate closing. For example, if the motorist is cooperative, "Thank you for your cooperation" may be in order. "Please drive carefully, your safety is important to us" is appropriate.
5. Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. The proper form must be filled out by the officer, and shall include the gender of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.

6. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion or probable cause of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, or a legally recognized exception to the warrant requirements, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof on the appropriate department forms, including a "consent to search form ". If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate 'consented to search but refused to sign', inserting initials and the signature of any witness in the signature block.
7. If the police unit is equipped with a video camera, the video and sound shall be activated prior to the stop, to record the behavior of the vehicle or person, and shall remain activated until the person is released and resumes their journey. If the unit does not have video the officers shall use a belt recorder. If the video or audio tape are needed for evidentiary purposes the officer shall enter the tape into evidence.
8. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
9. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.
10. The department may provide public information pamphlets to officers regarding the purposes of proactive enforcement which officers may distribute to each person subjected to such activities, whenever appropriate.
11. Officers should maintain a professional image, in a pleasant, firm and businesslike manner.
12. Driver's license and insurance cards shall not be accepted until they are removed from a wallet, purse or other type of carrying method.
13. All necessary items needed for a traffic stop should be available within ready reach. The traffic stop should be completed as quickly as possible. If practical, a computer check shall be requested from communications on the driver.
14. Upon completion of the traffic stop, officers should return to their vehicles while maintaining a watch on the occupants of the stopped vehicle. Officers should allow the violator vehicle to leave first to afford protection from oncoming traffic.

## **XXII. Speed Measuring Devices**

1. In order to ensure that traffic safety goals and objectives are met, the Department uses speed measuring devices in traffic law enforcement.
2. Equipment used as speed measuring devices includes:
  - a. Radar speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.
  - b. Calibrated patrol vehicle speedometers may be used to pace other vehicles. Speedometers may be periodically checked by radar.
3. At the beginning and end of each shift, radar site tests shall be conducted on radar units to determine accuracy and proper functioning. These tests include internal test, lamp test and tuning fork test.
4. If a radar unit fails any of the tests, is damaged or exhibits decreased range, it shall be removed from service immediately.
  - a. The radar unit will be turned over to the Lieutenant, who will ensure that the radar unit is repaired.
  - b. A maintenance and calibration log will be maintained for the radar units. This log will include problems that have been encountered with the radar, when it was sent for repairs, when it was returned to the Department and any calibration that was done on the radar.
  - c. When utilizing radar, a speed tolerance of 10 mph is given to the violator unless running radar in a school zone. This tolerance factor is a guideline and cannot be stated as an absolute. The officer must show unsafe speed and might well issue a citation for less than the tolerance factor if circumstances warrant.
  - d. When utilizing radar in a school zone, the officer needs to ensure that the warning lights are operating properly, if lights are present, as well as ensure the school zone is properly posted.
  - e. No officer shall utilize the radar unless they have been trained and certified in its use.

## **XXIII. Citation Accountability**

1. When a citation book is needed, the officer shall obtain the book from the Information Services Division (ISD) who is responsible for ensuring that the books are in numerical sequence. An annual audit shall be conducted and discrepancies shall be reported to the Chief of Police.

2. The ISD shall be responsible for maintaining a record which includes the numbers of the books, the date of issue and to whom they were given.
3. When an officer receives a citation book, he/she will check to see that all citations in the assigned book are in place and in numerical order. Missing or lost citations shall be reported immediately to the officer's supervisor and the ISD Clerk.
4. When an officer voids a citation he/she will ensure that all copies are intact and write void across the front of the citation. The officer will complete a memorandum stating the reason the citation was voided. The citation along with the memorandum will be turned in to the Chief of Police via the chain of command.

#### **XXIV. Issuing a Citation**

1. When issuing a citation, the issuing officer will confirm with the violator that all personal information on the citation is correct.
2. Officers will ensure that the citation is legible and enough writing pressure was used to go through all of the citations copies.
3. Officers shall give the violator the option to appear in court or sign the penalty assessment (The officer must confirm whether or not the violation is on the penalty assessment list. If it is not on the list, the violator will be cited into court.)
  - a. If the violator chooses to mail in the penalty assessment he/she should be advised that it must be mailed within 30 days. The violator shall be given either a pre-addressed envelope to use for the purpose of mailing in the citation and fine or the officer will ensure the violator has the correct address to use for mailing in the fine. Penalty assessments are applicable only for those violations cited into Municipal Court. If the violation is referred to Magistrate Court, the violator must be cited into court. Penalty assessments are applicable only for traffic citations.
  - b. If the violator is cited into Municipal Court, he/she will be cited into court within thirty (30) working days.
  - c. If the violator is cited into Magistrate Court, he/she will be cited into court within thirty (30) days.
4. The officer will ensure that the violator signs in the correct place prior to releasing the individual. If the violator refuses to sign a citation, a second officer should be requested. The violator shall be given a second opportunity to sign the citation, being advised that the failure to do so will result in a custodial arrest. If the violator still refuses to sign the citation, an arrest will be effected.

5. If there are any witnesses to the violation, list the name, DOB, address, work/home telephone number, and place of employment for each on the back of the original citation in the "Remarks" section. If there are no witnesses, state "No witnesses".
6. The citation must be turned in on the same day it is issued.

## **XXV. Enforcement Methods**

### **1. Routine Enforcement**

- a. traffic law enforcement activities are specifically directed toward controlling violations through preventive patrol and active enforcement. The goal is to gain compliance of the traffic laws.
- b. the most effective deterrent to traffic law violations is visible patrol in a marked police unit.
- c. in order to maintain a posture of prevention as opposed to apprehension, traffic law enforcement activities shall be conducted in the following manner:
  1. Police vehicle shall be operated in accordance with existing laws and operators shall demonstrate exemplary driving behavior. Emergency situations shall be exceptions to this practice.
  2. Unmarked vehicles shall not be used in traffic enforcement unless approved by the Chief of Police. Only marked police cars with roof mounted emergency lights and siren shall be used for active traffic enforcement.
  3. In areas where fixed posted observation is necessary to maximize effectiveness of selective enforcement efforts, police cars shall be parked in a conspicuous location in a manner that does not impede traffic flow.
- d. Covert observation is not authorized unless approved by Chief of Police or his designee.

### **2. Proactive Enforcement**

- a. The Department's efforts will be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and/or crimes will be prevented through proactive patrol.
- b. Officers will receive initial and on-going training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, and the laws governing search and seizure, and inter-personal communications skills.

- c. Proactive traffic enforcement usually is based on factors such as traffic volume, reported crashes, frequency of violations and emergency/service needs.
  - 1. Selective enforcement shall be accomplished through the following:
    - a. Area Patrol:
      - 1. Assignment of personnel to an area where the frequency of crash-causing violations is high or the potential for crashes is high due to traffic volume or emergency/service needs.
    - b. Directed or Spot Patrol:
      - 1. Assignment of personnel to designated locations for specific reasons. Assigned personnel are concentrated at a single location. The method may be most effective where a fixed post can be observed by a greater number of motorists.
      - 2. The Field Operations Commander in conjunction with the Patrol Supervisors is responsible for the preparation of an annual report which evaluates the effectiveness of the enforcement methods. This report shall include an analysis of traffic crashes and traffic enforcement by geographical, temporal and causative factors.

## **XXVI. Special Circumstances during Traffic Enforcement**

- 1. Non-Resident Violators
  - a. Non-resident violators should be treated the same as a resident violator. They will be allowed to sign the penalty assessment or sign to appear in court, as appropriate. Discretion on the part of the officer should be used in issuing verbal warnings as opposed to written citations, just as with any violator.
- 2. Juveniles
  - a. As provided in the New Mexico Children's Code, the Municipal or Magistrate Court has original exclusive jurisdiction over all traffic code violations, with certain exceptions. However, if the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations listed in the Children's Code, it shall have jurisdiction over all traffic violations alleged to have been committed by the child arising out of the same occurrence.
  - b. It is recommended that if a citation is written to a child under the age of fifteen (15), the officer should have the parent or guardian co-sign the citation.

### **3. Legislators**

- a. Legislators will be treated the same as other violators with one exception: Immunity shall be granted for travel to, from and during current legislative sessions as is covered under the New Mexico State Constitution in Article IV, Section 13. "Members of the Legislature, in all cases except treason, felony, and breach of the peace, may be privileged from arrest during their attendance at the sessions of their respective houses and on going to and returning from the same."**

### **4. Military Personnel**

- a. Military Personnel will be treated in the same manner as other violators with the following exception:**
- b. The New Mexico Motor Vehicle Code has exempted any person in military service of the United States or who has been honorably discharged within thirty days from licensure when:**
  - 1. They hold a driver's license of this state not more than six (6) years old which has expired while the holder was in service.**
  - 2. They are stationed outside the geographical limits of this state.**
  - 3. They are on leave from military service.**
  - 4. Only while operating a motor vehicle in this state.**

### **5. Foreign Diplomats/Consular Officials**

#### **a. Moving Violations:**

- 1. When a Consular Official is stopped for a moving violation, the officer, upon being advised by the driver that they are a Consular Official and ascertaining that they possess the proper credentials, should exercise discretion based on the nature of the violation and either dismiss the motorist with a warning or proceed with the appropriate enforcement. Mere issuance of a traffic citation does not constitute arrest or detention.**

#### **b. Driving While Intoxicated:**

- 1. The primary consideration in this type of incident should be to ensure that the Consular Official is not a danger to himself or the public. Based upon a determination of the circumstances, the following alternatives are available:**

- a. Contact a relative or friend to take custody of the official.
- b. Call a taxi for the official.
- c. Take the official to a secure environment.

c. Family members:

- 1. Family members of a Consular Official cannot claim immunity.

## **XXVII. Requests for Re-Examination of Drivers**

- 1. Officers may encounter persons who appear to be incompetent, physically or mentally disabled or suffering from disease or other conditions that prevent them from exercising reasonable and ordinary care over a motor vehicle.
- 2. Officers discovering persons of this nature shall:
  - a. Submit a Driver Complaint Form to the Department of Motor Vehicles detailing the reason they believe this person is an unsafe driver and requesting the person be retested. The information should include, at the very least, the subject's name, birth date and social security number.
  - b. Include with this form copies of any citations or crash reports on file regarding the individual.
  - c. Mail this information to:

Driver Services Bureau  
Dept. of Motor vehicles  
2522 Ridgerunner Road  
Las Vegas, NM 87701

- 3. If family members express concern about the driver, they should be advised that they also may send a letter to the above address and that the Department of Motor Vehicles supplies a "Medical Report" which can be completed by a physician.

## **XXVIII. Traffic Control**

- 1. Officers are required to control and direct traffic in the simplest and safest way possible. Officers will use all available lighting to ensure that the scene and the officer's safety is paramount. **The officers are required to wear a traffic safety vest while directing/controlling traffic at all times while directing traffic.** Officers working roadblocks/checkpoints will wear the traffic vests.
- 2. Officers should not park or allow anyone else to park inside the perimeter of a traffic situation where evidence could be destroyed.

3. Officers can utilize flares to assist in securing areas of concern. All safety precautions shall be adhered to. (No flares shall be used near flammable, combustible, explosive, composite or any other material capable of ignition by a flare.)

#### **XXIV. Bias Based Profiling**

1. In order to ensure that traffic law enforcement actions are in accordance with applicable laws and that they take into account the degree and severity of the violation, guidelines have been established to govern enforcement activities. The primary objective of traffic law enforcement is the promotion of traffic safety. All officers are expected to have a working knowledge of traffic laws and their proper application. All officers share the responsibility of traffic law enforcement.
2. A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.
3. The Las Vegas Police Department is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, age, religion or other belief system. Because of the nature of law enforcement, officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon and that detects and apprehends criminals.
4. The purpose of this section of the policy is to unequivocally state that racial and ethnic profiling in law enforcement is totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.
5. This policy is intended to assist officers in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police.

likely to encounter the police.

6. It is the policy of this department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

VII. **ATTACHMENTS:**

- A. Uniform Traffic Citation
- B. DWI Citation
- C. Tow Authorization Form

LAS VEGAS  
POLICE DEPARTMENT

COUNTY CODE

AGENCY CODE

1 2 2 4 5

1159326 6

STATE OF NEW MEXICO  
UNIFORM TRAFFIC CITATION

NAME (LAST)

NAME (FIRST)

ADDRESS

CITY

STATE

ZIP CODE

STATE DRIVER LICENSE NUMBER

DATE OF BIRTH

SOCIAL SECURITY NUMBER

SEX

HEIGHT  
FT

WEIGHT

EYE COLOR

LICENSE PLATE NUMBER

STATE

VEH VR

COLOR

TYPE / MAKE / MODEL

CIV LICENSE TYPE

NARRAT PL

PASS 16+

DOT NUMBER

TRAFFIC

WEATHER

ROAD

LIGHT

ACCIDENT

LT MD HV CL FG RN SN DS D W I S LT DS DK Y N

 STATUTE 66-7-301  
**SPEEDING** CZ  
 RH STATUTE 66-5-205  
NO INSURANCE STATUTE ORDINANCE MPH IN A  ZONE

IDENTIFICATION

DISTRICT

MILE POST

LOCATION

OFFICER'S PRINTED NAME

OFFICER'S SIGNATURE

ESSENTIAL FACTS

PENALTY ASSESSMENT: I acknowledge my guilt of the offense charged and my options as explained to me by the officer. I agree to remit by mail the penalty assessment of **OFFICER MAY NOT ACCEPT PAYMENT \$    .00**

TRAFFIC ARRAIGNMENT: You are hereby ordered to appear in METROPOLITAN COURT

on \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_ AM  
My failure to appear will result in the issuance of a warrant for my arrest, my license being suspended and I will be required to pay an additional \$100.00 warrant fee. I acknowledge receipt of this citation and without admitting guilt, I will appear as ordered.

COURT APPEARANCE: I acknowledge receipt of this notice and without admitting guilt agree to appear in **MAGISTRATE  METRO  MUNICIPAL or  TRIBAL court.**

Address \_\_\_\_\_

on (or by) \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_ AM  
PM

WARNING NOTICE: I acknowledge receipt of this notice and agree that a violation of the law has been committed. No further action is required.

**X**  
Signature \_\_\_\_\_

Agree to the above marked determination.

COURT COPY

12 245 1159326 6

1235611 9

## ABSTRACT OF RECORD

COURT DOCKET NO.		
HEARING DATE	COUNSEL REQUESTED <input type="checkbox"/> COUNSEL WAIVED	
COUNSEL NAME		
ADDRESS		
CITY STATE ZIP CODE		
PLEA OF DEFENDANT <input type="checkbox"/> NOLO <input type="checkbox"/> GUILTY <input type="checkbox"/> NOT GUILTY		
COURT FINDING: <input type="checkbox"/> GUILTY <input type="checkbox"/> NOT GUILTY <input type="checkbox"/> DISMISSED <input type="checkbox"/> NOLLE PROSEQUI		
SENTENCE OF COURT: <input type="checkbox"/> FINE \$ _____ <input type="checkbox"/> JAIL _____ DAYS		Suspended Amt \$ _____ Suspended Days _____ (IF ANY)
LAB FEES \$	BOND FORFEIT \$	COSTS \$
REMARKS <input type="checkbox"/> DWI SCHOOL		
THIS IS A CORRECT ABSTRACT OF COURT ACTION FOR DEFENDANT AND OFFENSE SHOWN.		
SIGNATURE OF MAGISTRATE OR JUDGE		
PRINTED NAME OF MAGISTRATE OR JUDGE		
NAME OF COURT	DATE	
ADDRESS	POST OFFICE	
DISTRIBUTION  OFFICER TO FORWARD THIS COPY TO THE COURT, COURT TO COMPLETE ABSTRACT OF RECORD ABOVE AND MAIL THIS COPY TO THE MOTOR VEHICLE DIVISION, DRIVER SERVICES BUREAU, DWI SECTION, P.O. BOX 1028, SANTA FE, NEW MEXICO 87504-1028.		
ABSTRACT COPY		

COURT INFORMATION	MICROFILM NUMBER, DO NOT WRITE, STAPLE OR PUNCH ABOVE THIS LINE															
	STATE OF NEW MEXICO															
	COUNTY OF: _____															
	CITY OF: _____															
	DWI CITIGATION															
	COUNTY CODE: _____															
	MVD-10811 REV. 04/05															
	NAME (LAST) _____ (FIRST) _____ (M.I.) _____															
	ADDRESS _____															
	CITY _____ STATE _____ ZIP CODE _____															
DRIVER LICENSE NUMBER				STATE		EXPIRES		CLASS ENDORSEMENTS								
DATE OF BIRTH		AGE	SEX	HEIGHT	WT	SOCIAL SECURITY NUMBER										
COLOR		YEAR	MAKE/MODEL				TYPE		STATE		LICENSE PLATE NUMBER					
TRAFFIC		WEATHER				ROAD		LIGHT		ACCIDENT						
LT	MED	HV	CL	FG	RN	SN	DST	D	W	I	S	LT	DS	DK	YES	NO
CMV HZ MT		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO				PASSENGER (16 OR MORE) DOT NUMBER _____						<input type="checkbox"/> YES <input type="checkbox"/> NO				
THE ABOVE NAMED DEFENDANT IS CHARGED WITH VIOLATING:																
<input type="checkbox"/> 66-8-102 NMSA 1978 <input type="checkbox"/> STATUTE OR <input type="checkbox"/> ORDINANCE & SECTION: _____																
COMMON NAME OF OFFENSE: <i>Driving Under the Influence of Intoxicating Liquor or Drug</i>																
ON _____ DAY		20 _____		AT _____		HRS _____		LOCATION								
MILEPOST OR NEAREST INTERSECTION _____																
DISTRICT: _____																
ESSENTIAL FACTS: _____																
PRINTED OFFICER'S NAME _____ BLOOD ALCOHOL CONCENTRATION _____																
OFFICER'S SIGNATURE _____ I.D. NO. _____ SHIFT _____ CURRENT DATE _____																
COURT INFO. YOU ARE TO APPEAR IN <input type="checkbox"/> MAGISTRATE <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> METROPOLITAN <input type="checkbox"/> OTHER: _____ COURT																
ADDRESS _____																
ON OR BEFORE _____ 20 _____ AT _____ AM _____ PM _____																

1235611 9

State of New Mexico  
Taxation & Revenue Department  
MOTOR VEHICLE DIVISION

# NOTICE OF REVOCATION

Este documento es muy importante. Si no entiende ni lee inglés, por favor, haga que se lo traduzcan.



MICROFILM NUMBER, DO NOT WRITE, STAPLE OR PUNCH ABOVE THIS LINE  
STATE OF NEW MEXICO  
COUNTY OF: \_\_\_\_\_  
CITY OF: \_\_\_\_\_

COUNTY  
CODE: \_\_\_\_\_

DWI CITIGATION

MVD-10811  
REV. 04/05

DRIVER INFORMATION	NAME (LAST)				(FIRST)		(M.I.)
	ADDRESS						
	CITY				STATE	ZIP CODE	
DRIVER LICENSE NUMBER			STATE	EXPIRES		CLASS ENDORSEMENTS	
DATE OF BIRTH	AGE	SEX	HEIGHT	WT	SOCIAL SECURITY NUMBER		

## I. NOTICE OF REVOCATION: YOUR DRIVING PRIVILEGES WILL BE REVOKED IN TWENTY (20) DAYS.

**Request for Hearing:** You may request a hearing on this revocation. The request must be made in writing within ten (10) days from date of service of this notice. If you do not request a hearing, your driver license and/or driving privilege is hereby revoked, pursuant to the Implied Consent Act (Section 66-8-111 NMSA 1978), effective twenty (20) days from receipt of this notice.

Revocation Duration Information and Hearing Request Instructions are explained on the back side of this form.

## II. TEMPORARY DRIVER LICENSE: If you are validly licensed in New Mexico, this document will serve as your temporary license for 20 days.

If you request a hearing, this period will be extended until otherwise ordered by the hearing officer. If you are licensed in another state this notice does not affect your license itself, but only your privilege to drive in New Mexico.

## III. LAW ENFORCEMENT OFFICER'S STATEMENT

I hereby swear or affirm that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, I arrested the above-named person based on my reasonable grounds to believe that he/she had been driving a motor vehicle  commercial motor vehicle while under the influence of intoxicating liquor or drugs in the County of \_\_\_\_\_, New Mexico. Details of said grounds are specified below.

REASON FOR STOP: \_\_\_\_\_

BASIS FOR CONCLUSION THAT PERSON WAS DRIVING:  SAW PERSON DRIVING  PERSON ADMITTED DRIVING

OTHER: \_\_\_\_\_

BASIS FOR CONCLUSION THAT PERSON WAS UNDER INFLUENCE:

ODOR OF ALCOHOL  BLOODSHOT, WATERY EYES  SLURRED SPEECH  DRIVER'S ADMISSION

PERFORMANCE ON FIELD SOBRIETY TESTS, (OPTIONAL) DESCRIBE FIELD TESTS: \_\_\_\_\_

OTHER INFORMATION: \_\_\_\_\_

REFUSED TEST - The above-named person was asked to submit to a chemical test to determine his/her blood or breath alcohol content and, after being advised that failure to submit to a chemical test could result in the revocation of his/her driver's license and/or driving privileges in New Mexico, refused to submit to such a chemical test.  ACTIONS  WORDS: (OPTIONAL) \_\_\_\_\_

SUBMITTED TO TEST - All references to alcohol concentration are as defined in Section 66-8-110(E), NMSA 1978.

BREATH TEST - The above-named person submitted to a breath test and the test result indicated an alcohol concentration of eight one hundredths or more in the person's breath if the driver is 21 years of age or older or an alcohol concentration of two one-hundredths or more if the person is less than 21 years of age or an alcohol concentration of four one-hundredths or more and the person was driving a commercial motor vehicle. The actual test result was \_\_\_\_\_.

BLOOD TEST - The above-named person submitted to a blood test and the test result was received from the laboratory on (date) \_\_\_\_\_. The test result indicated the person had an alcohol concentration of eight one-hundredths or more in the person's blood if the driver is 21 years of age or older or an alcohol concentration of two one-hundredths or more if the person is less than 21 years of age or an alcohol concentration of four one-hundredths or more and the person was driving a commercial motor vehicle. The actual test result was \_\_\_\_\_.

SERVICE - I personally served a copy of this document on the person named above on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DECLARATION - I hereby declare under the penalty of perjury that the information given in this statement is true and correct to the best of my knowledge.

Printed Arresting Officer's Name & ID Number

Officer's Agency and Agency Code

Arresting Officer's Signature

Name and Agency of every other Officer who should be subpoenaed to any hearing requested, including officer who administered test, if different from arresting officer (Full name, ID No & agency): \_\_\_\_\_

I received the Notice of Revocation on \_\_\_\_\_

Date

Driver's Signature

Law enforcement officer check one of these statements if applicable:

Driver unable to sign

Driver refused to sign

**CITY OF LAS VEGAS**  
**VEHICLE IMPOUND ORDER**  
**LAS VEGAS POLICE DEPARTMENT**

Case # \_\_\_\_\_  
 Arrest # \_\_\_\_\_  
 Date \_\_\_\_\_

VEHICLE DESCRIPTION - YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_  
 LICENSE # \_\_\_\_\_ STATE \_\_\_\_\_ YEAR \_\_\_\_\_ VIN \_\_\_\_\_  
 IMPOUNDED FROM - OWNER \_\_\_\_\_ OPERATOR \_\_\_\_\_ REASON \_\_\_\_\_  
 LOCATION IMPOUNDED FROM \_\_\_\_\_  
 IMPOUNDED AT \_\_\_\_\_ (Name of Wrecker Service) PHONE # \_\_\_\_\_

**INVENTORY LIST:**

YES / NO	
1. Keys in Vehicle	
2. Radio / Tape Deck	
3. C.B. Radio	
4. Spare Tire	
5. Lug Wrench	
6. Jack	

YES / NO	
7. Mag Wheels	
8. Auxiliary Lights	
<u>OTHER ITEMS / LIST</u>	
9. _____	
10. _____	
11. _____	

12. \_\_\_\_\_  
 13. \_\_\_\_\_  
 14. \_\_\_\_\_  
 15. \_\_\_\_\_  
 16. \_\_\_\_\_  
 17. \_\_\_\_\_

**Vehicle Damage At The Time Of Impound (Describe)**

1. Roof _____	8. Interior _____
2. Doors _____	9. Windshields (or) Windows _____
3. Hood _____	10. Bed _____
4. Front End _____	11. Left Rear Quarter Panel _____
5. Rear End _____	12. Left Front Quarter Panel _____
6. Trunk _____	13. R/R Quarter Panel _____
7. Undercarriage _____	14. R/F Quarter Panel _____

Vehicle Impounded Authority : Owner Request \_\_\_\_\_ Police Department \_\_\_\_\_ Other \_\_\_\_\_  
 (Explain)

(Vehicle Owner Signature)

(Wrecker Driver Signature)

(Officer Signature)

**Special Instructions on Disposition of Vehicle**

Hold For Evidence \_\_\_\_\_ Hold For Proof Of Ownership \_\_\_\_\_ Authority Release \_\_\_\_\_

(Officer's Signature)

(Receipt of Vehicle - Owner's Signature)

The Police Department does not regulate the fees charged by the wrecker drivers or company. Any inquiries or complaints on these charges or damages done by the wrecker driver or company should be made to the State Corporation Commission of New Mexico, PERA Building, P.O. Drawer 1269, Santa Fe, New Mexico 87501.

**RELEASE PROCEDURES:**

A) Cash Payment  
 B) Release time 6:00 a.m. - 6:00 p.m. (except Holidays)

WHITE COPY - RECORDS

YELLOW COPY - VEHICLE OWNER

PINK COPY - WRECKER SERVICE